

110TH CONGRESS
2D SESSION

S. 2304

AN ACT

To amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Mentally Ill Offender Treatment and Crime Reduction
4 Reauthorization and Improvement Act of 2008”.

5 (b) TABLE OF CONTENTS.—The table of contents for
6 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Reauthorization of the Adult and Juvenile Collaboration Program
Grants.

Sec. 4. Law enforcement response to mentally ill offenders improvement grants.

Sec. 5. Examination and report on prevalence of mentally ill offenders.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

9 (1) Communities nationwide are struggling to
10 respond to the high numbers of people with mental
11 illnesses involved at all points in the criminal justice
12 system.

13 (2) A 1999 study by the Department of Justice
14 estimated that 16 percent of people incarcerated in
15 prisons and jails in the United States, which is more
16 than 300,000 people, suffer from mental illnesses.

17 (3) Los Angeles County Jail and New York’s
18 Rikers Island jail complex hold more people with
19 mental illnesses than the largest psychiatric inpa-
20 tient facilities in the United States.

21 (4) State prisoners with a mental health prob-
22 lem are twice as likely as those without a mental

1 health problem to have been homeless in the year be-
 2 fore their arrest.

3 **SEC. 3. REAUTHORIZATION OF THE ADULT AND JUVENILE**
 4 **COLLABORATION PROGRAM GRANTS.**

5 (a) AUTHORIZATION OF APPROPRIATIONS THROUGH
 6 2014.—Section 2991(h) of title I of the Omnibus Crime
 7 Control and Safe Streets Act of 1968 (42 U.S.C.
 8 3797aa(h)) is amended—

9 (1) in paragraph (1), by striking at the end
 10 “and”;

11 (2) in paragraph (2), by striking “for fiscal
 12 years 2006 through 2009.” and inserting “for each
 13 of the fiscal years 2006 and 2007; and”; and

14 (3) by adding at the end the following new
 15 paragraph:

16 “(3) \$50,000,000 for each of the fiscal years
 17 2009 through 2014.”.

18 (b) ALLOCATION OF FUNDING FOR ADMINISTRATIVE
 19 PURPOSES.—Section 2991(h) of such title is further
 20 amended—

21 (1) by redesignating paragraphs (1), (2), and
 22 (3) (as added by subsection (a)(3)) as subpara-
 23 graphs (A), (B), and (C), respectively, and adjusting
 24 the margins accordingly;

1 (2) by striking “There are authorized” and in-
2 serting “(1) IN GENERAL.—There are authorized”;
3 and

4 (3) by adding at the end the following new
5 paragraph:

6 “(2) ALLOCATION OF FUNDING FOR ADMINISTRA-
7 TIVE PURPOSES.—For fiscal year 2009 and each subse-
8 quent fiscal year, of the amounts authorized under para-
9 graph (1) for such fiscal year, the Attorney General may
10 obligate not more than 3 percent for the administrative
11 expenses of the Attorney General in carrying out this sec-
12 tion for such fiscal year.”.

13 (c) ADDITIONAL APPLICATIONS RECEIVING PRI-
14 ORITY.—Subsection (c) of such section is amended to read
15 as follows:

16 “(c) PRIORITY.—The Attorney General, in awarding
17 funds under this section, shall give priority to applications
18 that—

19 “(1) promote effective strategies by law enforce-
20 ment to identify and to reduce risk of harm to men-
21 tally ill offenders and public safety;

22 “(2) promote effective strategies for identifica-
23 tion and treatment of female mentally ill offenders;

24 “(3) promote effective strategies to expand the
25 use of mental health courts, including the use of pre-

1 trial services and related treatment programs for of-
 2 fenders; or

3 “(4)(A) demonstrate the strongest commitment
 4 to ensuring that such funds are used to promote
 5 both public health and public safety;

6 “(B) demonstrate the active participation of
 7 each co-applicant in the administration of the col-
 8 laboration program;

9 “(C) document, in the case of an application for
 10 a grant to be used in whole or in part to fund treat-
 11 ment services for adults or juveniles during periods
 12 of incarceration or detention, that treatment pro-
 13 grams will be available to provide transition and re-
 14 entry services for such individuals; and

15 “(D) have the support of both the Attorney
 16 General and the Secretary.”.

17 **SEC. 4. LAW ENFORCEMENT RESPONSE TO MENTALLY ILL**
 18 **OFFENDERS IMPROVEMENT GRANTS.**

19 Section 2991 of title I of the Omnibus Crime Control
 20 and Safe Streets Act of 1968 (42 U.S.C. 3797aa) is
 21 amended by—

22 (1) redesignating subsection (h) as subsection
 23 (i); and

24 (2) inserting after subsection (g) the following:

1 “(h) LAW ENFORCEMENT RESPONSE TO MENTALLY
2 ILL OFFENDERS IMPROVEMENT GRANTS.—

3 “(1) AUTHORIZATION.—The Attorney General
4 is authorized to make grants under this section to
5 States, units of local government, Indian tribes, and
6 tribal organizations for the following purposes:

7 “(A) TRAINING PROGRAMS.—To provide
8 for programs that offer law enforcement per-
9 sonnel specialized and comprehensive training
10 in procedures to identify and respond appro-
11 priately to incidents in which the unique needs
12 of individuals with mental illnesses are involved.

13 “(B) RECEIVING CENTERS.—To provide
14 for the development of specialized receiving cen-
15 ters to assess individuals in the custody of law
16 enforcement personnel for suicide risk and men-
17 tal health and substance abuse treatment needs.

18 “(C) IMPROVED TECHNOLOGY.—To pro-
19 vide for computerized information systems (or
20 to improve existing systems) to provide timely
21 information to law enforcement personnel and
22 criminal justice system personnel to improve the
23 response of such respective personnel to men-
24 tally ill offenders.

1 “(D) COOPERATIVE PROGRAMS.—To pro-
2 vide for the establishment and expansion of co-
3 operative efforts by criminal and juvenile justice
4 agencies and mental health agencies to promote
5 public safety through the use of effective inter-
6 vention with respect to mentally ill offenders.

7 “(E) CAMPUS SECURITY PERSONNEL
8 TRAINING.—To provide for programs that offer
9 campus security personnel training in proce-
10 dures to identify and respond appropriately to
11 incidents in which the unique needs of individ-
12 uals with mental illnesses are involved.

13 “(2) BJA TRAINING MODELS.—For purposes of
14 paragraph (1)(A), the Director of the Bureau of
15 Justice Assistance shall develop training models for
16 training law enforcement personnel in procedures to
17 identify and respond appropriately to incidents in
18 which the unique needs of individuals with mental
19 illnesses are involved, including suicide prevention.

20 “(3) MATCHING FUNDS.—The Federal share of
21 funds for a program funded by a grant received
22 under this subsection may not exceed 50 percent of
23 the costs of the program. The non-Federal share of
24 payments made for such a program may be made in

1 cash or in-kind fairly evaluated, including planned
 2 equipment or services.”.

3 **SEC. 5. EXAMINATION AND REPORT ON PREVALENCE OF**
 4 **MENTALLY ILL OFFENDERS.**

5 (a) IN GENERAL.—

6 (1) IN GENERAL.—The Attorney General shall
 7 examine and report on mental illness and the crimi-
 8 nal justice system.

9 (2) SCOPE.—Congress encourages the Attorney
 10 General to specifically examine the following:

11 (A) POPULATIONS.—The rate of occur-
 12 rence of serious mental illnesses in each of the
 13 following populations:

14 (i) Individuals, including juveniles, on
 15 probation.

16 (ii) Individuals, including juveniles, in-
 17 carcerated in a jail.

18 (iii) Individuals, including juveniles,
 19 incarcerated in a prison.

20 (iv) Individuals, including juveniles,
 21 on parole.

22 (B) BENEFITS.—The percentage of indi-
 23 viduals in each population described in subpara-
 24 graph (A) who have—

25 (i) a serious mental illness; and

1 (ii) received disability benefits under
2 title II or title XVI of the Social Security
3 Act (42 U.S.C. 401 et seq. and 1381 et
4 seq.).

5 (b) REPORT.—Not later than 36 months after the
6 date of the enactment of this Act, the Attorney General
7 shall submit to Congress the report described in sub-
8 section (a).

9 (c) DEFINITIONS.—In this section—

10 (1) the term “serious mental illness” means
11 that an individual has, or at any time during the 1-
12 year period ending on the date of enactment of this
13 Act had, a covered mental, behavioral, or emotional
14 disorder; and

15 (2) the term “covered mental, behavioral, or
16 emotional disorder”—

17 (A) means a diagnosable mental, behav-
18 ioral, or emotional disorder of sufficient dura-
19 tion to meet diagnostic criteria specified within
20 the Diagnostic and Statistical Manual of Men-
21 tal Disorders, Fourth Edition, or the Inter-
22 national Classification of Diseases, Ninth Revi-
23 sion, Clinical Modification equivalent of the Di-
24 agnostic and Statistical Manual of Mental Dis-
25 orders, Fourth Edition; and

1 (B) does not include a disorder that has a
2 V code within the Diagnostic and Statistical
3 Manual of Mental Disorders, Fourth Edition, a
4 substance use disorder, or a developmental dis-
5 order, unless that disorder cooccurs with an-
6 other disorder described in subparagraph (A)
7 and causes functional impairment which sub-
8 stantially interferes with or limits 1 or more
9 major life activities.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to carry out this section
12 \$2,000,000 for 2009.

 Passed the Senate September 26 (legislative day,
September 17), 2008.

Attest:

Secretary.

110TH CONGRESS
2D SESSION

S. 2304

AN ACT

To amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes.